

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

ANDREW H. MADOFF, individually and as
Executor of the Estate of Mark D. Madoff, and the
ESTATE OF MARK D. MADOFF,

Defendants.

Adv. Pro. No. 09-1503 (SMB)

**STIPULATION AND ORDER SETTING BRIEFING SCHEDULE
AND HEARING ON TRUSTEE'S MOTION SEEKING LEAVE TO AMEND**

WHEREAS, on July 15, 2014, Irving H. Picard, as trustee ("Trustee") for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et seq.* and the substantively consolidated estate of Bernard L. Madoff individually, filed a Notice of Motion for Entry of Order Under Rule 15 of the Federal Rules of Civil Procedure, as incorporated by Rule 7105 of the Federal Rules of Bankruptcy

Procedure, Granting Trustee's Motion for Leave to File a Third Amended Complaint (the "Motion for Leave to Amend");

WHEREAS, on August 12, 2014, Defendants Estate of Mark D. Madoff and Andrew H. Madoff, individually and as Executor of the Estate of Mark D. Madoff, filed a Memorandum of Law in Opposition to the Trustee's Motion for Leave to File a Third Amended Complaint (the "Opposition");

WHEREAS, by Stipulation and Order entered on August 18, 2014, this Court set an amended briefing schedule on the Motion for Leave to Amend, adjourned the hearing on the Motion before the Court from August 19, 2014 to November 19, 2014 at 10:00 a.m.;

WHEREAS, by Stipulation and Order entered on October 7, 2014, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from November 19, 2014 to February 25, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on January 16, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from February 25, 2015 to March 18, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on February 3, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from March 18, 2015 to April 29, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on February 27, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend. The hearing on the Motion before the Court remained scheduled for April 29, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on March 13, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend. The hearing on the Motion before the Court remained scheduled for April 29, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on March 27, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from April 29, 2015 to May 20, 2015 at 10:00a.m.;

WHEREAS, by Stipulation and Order entered on April 27, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from May 20, 2015 to July 29, 2015 at 10:00 a.m.;

WHEREAS, by Stipulation and Order entered on June 5, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from July 29, 2015 to September 23, 2015 at 10:00 a.m.; and

WHEREAS, by Stipulation and Order entered on July 8, 2015, this Court set an amended briefing schedule on the Motion for Leave to Amend, further adjourning the hearing on the Motion before the Court from September 23, 2015 to February 24, 2016 at 10:00 a.m.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned herein, as follows:

1. The Trustee shall have until April 8, 2016 to file a reply to the Opposition of not more than twenty-five (25) pages (the "Reply").
2. Defendants Estate of Andrew H. Madoff, Martin Flumenbaum as Executor, and the Estate of Mark D. Madoff, David Blumenfeld as Executor, shall have until April 29, 2016 to file a sur-reply to the Reply of not more than ten (10) pages.

3. The hearing before this Court on the Motion for Leave to Amend is scheduled for May 25, 2016 at 10:00 a.m.

4. Defendants, however, respectfully request that the prior hearing date of February 24, 2016 remain on the Court's calendar as a settlement conference. The Trustee concurs with Defendants' request.

5. Nothing in this stipulation is a waiver of the parties' right to stipulate to further extensions. Nor is anything in this stipulation a waiver of any party's right to request from the presiding Court a further extension, or of any other party's right to object to any such request.

Dated: January 6, 2016
New York, New York

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*Attorneys for Defendants the Estate of Andrew H.
Madoff, Martin Flumenbaum as Executor, and the
Estate of Mark D. Madoff, David Blumenfeld as
Executor*

SO ORDERED:

Dated: January 6, 2016
New York, New York

/s/Stuart M. Bernstein
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY
JUDGE